

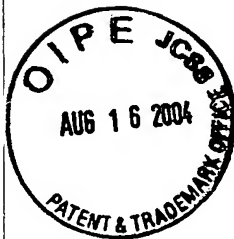
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PATENT APPLICATION

Docket No: 11398.64.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Michael E. Goodwin et al.

Serial No.:

10/797,159

) Art Unit
) 3754

Filing Date:

March 10, 2004

Confirmation No.:

4068

For:

CONTAINER SYSTEMS FOR MIXING
FLUIDS WITH A MAGNETIC STIR BAR

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

— Statement of relevance of selected cited references not in the English language which are not translated.

— Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

— Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

* Admitted only in California

† Admitted only in New York

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing twenty-nine (29) references submitted for consideration.
- ☒ A copy of two (2) of the references listed on the Form PTO-1449.
- ☐ English translations of ☐ of the references listed on the Form PTO-1449 which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Check No. _____ in the amount of \$____ constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

- ____ Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
- ____ Petition to Withdraw from Issue; and
- ____ Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

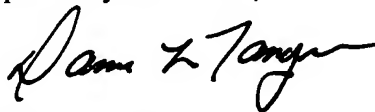
C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

- X Any fee required in relation to filing of this letter or any documents transmitted therewith.
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).
- ____ The submission fee set forth in 37 C.F.R. § 1.17(p).
- ____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 13th day of August 2004.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
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PATENT APPLICATION

Docket No: 11398.64.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|-------------------------------------|------------|
| In re application of | |) |
| | |) |
| | Michael E. Goodwin et al. |) |
| | |) |
| Serial No.: | 10/797,159 |) Art Unit |
| | |) 3754 |
| Filing Date: | March 10, 2004 |) |
| | |) |
| Confirmation No.: | 4068 |) |
| | |) |
| For: | CONTAINER SYSTEMS FOR MIXING FLUIDS |) |
| | WITH A MAGNETIC STIR BAR |) |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

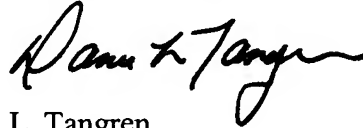
Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references are disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof that is not a US patent document is also enclosed.

Dated this 13th day of August 2004.

Respectfully submitted,



Dana L. Tangren
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

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Applicant: Michael E. Goodwin et al.

Confirmation No.: 4068

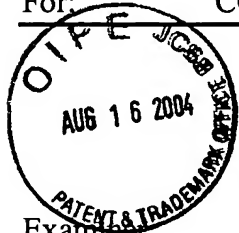
Serial No.: 10/797,159

Att'y Docket No.: 11398.64.1

Filing Date: March 10, 2004

Group: 3754

For: CONTAINER SYSTEMS FOR MIXING FLUIDS WITH A MAGNETIC STIR BAR

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date</u> | <u>Name</u> |
|------------------------------|----------------------------|-----------------------|-------------------|
| ___ 1 | 3,647,397 | 03/07/1972 | Coleman |
| ___ 2 | 4,040,605 | 08/09/1997 | Towsend |
| ___ 3 | 4,162,855 | 07/31/1979 | Bender |
| ___ 4 | 4,199,265 | 04/22/1980 | Sanderson et al. |
| ___ 5 | 4,290,300 | 09/22/1981 | Carver |
| ___ 6 | 4,498,785 | 02/12/1985 | de Bruyne |
| ___ 7 | 4,830,511 | 05/16/1989 | Smazik |
| ___ 8 | 4,901,886 | 02/20/1990 | Kirschner |
| ___ 9 | 5,222,808 | 06/29/1993 | Sugarman et al. |
| ___ 10 | 5,240,856 | 08/31/1993 | Goffe et al. |
| ___ 11 | 5,434,079 | 07/18/1995 | Mozayeni |
| ___ 12 | 5,261,742 | 11/16/1993 | Lockhart |
| ___ 13 | 5,470,151 | 11/28/1995 | Walthall et al. |
| ___ 14 | 5,672,481 | 09/30/1997 | Minshall et al. |
| ___ 15 | 5,733,776 | 03/31/1998 | Barngrover et al. |
| ___ 16 | 5,899,567 | 05/04/1999 | Morris, Jr. |
| ___ 17 | 5,941,867 | 08/24/1999 | Kao |
| ___ 18 | 6,083,587 | 07/04/2000 | Smith et al. |
| ___ 19 | 6,245,555 B1 | 06/12/2001 | Curtis |
| ___ 20 | 6,332,706 B1 | 12/25/2001 | Hall |
| ___ 21 | 6,709,862 B2 | 03/23/2004 | Curtis |
| ___ 22 | 2002/0105856 A1 | 08/08/2002 | Terentiev\ |
| ___ 23 | 2002/0131654 A1 | 09/19/2002 | Smith et al. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Michael E. Goodwin et al.

Confirmation No.: 4068

Serial No.: 10/797,159

Att'y Docket No.: 11398.64.1

Filing Date: March 10, 2004

Group: 3754

For: CONTAINER SYSTEMS FOR MIXING FLUIDS WITH A MAGNETIC STIR BAR

| | | | |
|----------|-----------------|------------|----------------|
| _____ 24 | 2002/0145940 A1 | 10/10/2002 | Terentiev |
| _____ 25 | 2003/0077466 A1 | 04/24/2003 | Smith et al. |
| _____ 26 | 2004/0047232 A1 | 03/11/2004 | Terentiev |
| _____ 27 | 2004/0062140 A1 | 04/01/2004 | Cadogan et al. |

Foreign Patent Documents

| Examiner <u>Initial*</u> | Document <u>Number</u> | Publication <u>Date</u> | Country or <u>Patent Office</u> | <u>Translation</u> |
|-----------------------------|---------------------------|----------------------------|------------------------------------|--------------------|
|-----------------------------|---------------------------|----------------------------|------------------------------------|--------------------|

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

_____ 28 Russ Musch, *Product Brief Form for HyClone Bioprocess Containers*, May 31, 2001.

_____ 29 LevTech, Inc., *Business Plan*, pp. 1, 8, 9, 11, 12, 13, and 25, September 5, 2000.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.